

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§	
	§	
<b>Shahnaz B. Khan</b>	§	<b>CASE NO. 17-33508-H2-13</b>
	§	<b>CHAPTER 13</b>
<b>DEBTOR(S)</b>	§	

**MOTION TO MODIFY CHAPTER 13 PLAN AFTER CONFIRMATION**  
**PURSUANT TO 11 U.S.C. §1329(a)**

**A HEARING HAS BEEN SET FOR THIS PROPOSED PLAN MODIFICATION FOR 1/11/2017 AT 10:00 AM IN COURTROOM 400, 4TH FLOOR, AT 515 RUSK, HOUSTON, TEXAS 77002.**

**IF A PARTY REQUESTS EMERGENCY CONSIDERATION THE COURT MAY ACT EXPEDITIOUSLY ON THE MATTER. IF THE COURT ALLOWS A SHORTER RESPONSE TIME THAN TWENTY DAYS, YOU MUST RESPOND WITHIN THAT TIME. IF THE COURT SETS AN EMERGENCY HEARING BEFORE THE RESPONSE TIME WILL EXPIRE, ONLY ATTENDANCE AT THE HEARING IS NECESSARY TO PRESERVE YOUR RIGHTS. IF AN EMERGENCY HEARING IS NOT SET, YOU MUST RESPOND BEFORE THE RESPONSE TIME EXPIRES.**

The Debtor files this Motion to Modify her confirmed plan.

**1. HISTORY OF CASE.** This case was filed on 6/5/2017. The plan was confirmed on 8/23/2017. The plan has not been previously modified.

**2. REASON FOR MODIFICATION.** Debtor believes that Proof of Claim no. 1 of Wells Fargo Bank, N.A. is overstated and is currently reviewing the account history and preparing to file an adversary proceeding objecting to the claim. Therefore, Debtor is modifying her plan to keep her monthly payments lower while the adversary is pending so that she does not overpay on the claim. If the adversary is unsuccessful, the Debtor will be funding a plan that is sufficient to provide for the claim even as currently alleged.

**3. PLAN PAYMENTS UNDER CONFIRMED PLAN.** The confirmed plan requires payments as follows:

Months 1-60: \$14,870.00

**4. PAYMENTS PREVIOUSLY MADE.** As of the date this motion was filed, the Debtor has made payments to the chapter 13 trustee totaling \$74,350.00. Attached as Exhibit "C" is a schedule of all amounts received by the Chapter 13 Trustee.

**5. FUTURE PROPOSED PLAN PAYMENTS (AS MODIFIED).** The proposed modified plan requires future payments as follows:

Months 1-11: \$14,870.00  
Months 12-60: \$18,550.00

**6. CURRENT DEFAULTS.** The Debtor is currently in default on payments to the Chapter 13 Trustee as follows:

Dollar amount in default:	\$0.00
Number of payments in default:	0
Last payment received:	11/7/2017
Amount of Last payment:	\$9,000.00

**7. PROPOSED PLAN MODIFICATIONS.**

- A. All payment defaults, if any, set forth in paragraph 6 are cured by this modification.
- B. See Exhibit "A" for Plan Summary and treatment of secured debts.

**8. INTERIM PAYMENTS.** Payments due under this modification will commence on the first due date after this modification is filed, whether or not the modification has yet been approved by the court.

**9. BUDGET.** The Debtor's modified schedules Amended I and J that the Debtor requests to be considered with this modification are attached as Exhibit "B".

**10. ATTORNEY'S FEES.** Debtor's counsel shall be paid \$0.00 as a fixed fee for this modification.

Respectfully Submitted,

Kyle Kenneth Payne  
State Bar No. 24083637  
5225 Katy Freeway, Suite 505  
Houston, TX 77007  
Tel.: 713-228-0200  
Fax: 713-588-8750  
Attorneys for Debtor(s)

/s/ Kyle Kenneth Payne  
Kyle Kenneth Payne

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the attached Motion to Modify has been served by first class United States Mail, postage paid, or Certified Return Receipt Requested where indicated, or by electronic filing on the following parties, on 11/28/2017

US Trustee, Region 7  
515 Rusk, Suite 3516  
Houston, Texas 77002

David G. Peake  
(electronically)

Shahnaz B. Khan  
1907 Rayshell Ct  
Seabrook, Tx 77586

All other persons and entities on attached sheet(s), if any.

/s/ Kyle Kenneth Payne  
Kyle Kenneth Payne